

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

CYNTHIA K. HAYNES (a/k/a Cynthia K.)
Randolph), individually and under the Missouri)
Wrongful Death Statute)
)
Plaintiff,)
)
vs.) Case No: 1:21-CV-00160-ACL
)
JENNIFER WILLIAMS, individually, et al.)
)
Defendants.)

**WILLIAMS' MOTION FOR LEAVE TO FILE INSTANTER SUR-REPLY IN OPPOSITION
TO PLAINTIFF'S MOTION FOR RECONSIDERATION**

Come now Defendants, Jennifer Williams, individually, and Jennifer Williams, d/b/a Williams Law (collectively hereinafter “Williams”), by and through undersigned counsel, and pursuant to L.R. 4.01(C) respectfully moves for leave to file her Sur-Reply in Opposition to Plaintiff’s Motion for Reconsideration, *Instanter*. In support of her motion, Williams states:

1. On July 8, 2022, Plaintiff filed a Reply to Williams’ Response in Opposition to Plaintiff’s Motion for Reconsideration (Doc. 77). In the Reply, Plaintiff argues (for the first time) that Count IV stated a claim for relief against Williams because “[o]nce Williams acted outside the scope of her duties as a GAL, she became liable to Plaintiff for damages resulting from the threats resulting in duress, and coercion Williams imposed on Plaintiff. (Doc. 77, 2-4). The Reply supports this contention by citing (for the first time) multiple cases that discuss the legal concepts of “duress” and “coercion.” (*Id.*).

2. Notably, motions for reconsideration are not proper vehicles for injecting new arguments and legal theories into a case (i.e., “duress” and “coercion”). *United States v. Metropolitan St. Louis Sewer Dist.*, 440 F. 3d 930, 933 (8th Cir. 2006)(noting that motions for reconsideration “cannot be used to introduce new evidence, tender new legal theories, or raise arguments which could have been offered or raised prior to entry of judgment”)(emphasis added). Further, “[a]s a general rule, courts will not

consider arguments raised for the first time in a reply.” *Green v. Missouri*, 734 F. Supp. 2d 814, 848 (E.D. Mo. 2010).

3. In this case, Williams seeks to file her sur-reply so that she has a fair opportunity to address the new argument and new cases that have been introduced into this by the Reply. *Johnson v. City of Leaddington*, 4:19-CV-02282-SEP, 2022 WL 179218, at *10 (E.D. Mo. Jan. 20, 2022)(noting that a sur-reply may be appropriate “where justice so requires.”)(citation omitted).

4. Local Rule 4.01(C) states that when a party files a reply memorandum in support of a motion, “additional memoranda may be filed by either party only with leave of Court.” L.R. 4.01(C).

5. Accordingly, Williams respectfully asks this Court to grant this Motion *instanter*, thereby allowing Defendant to file her Sur-Reply in Opposition to Plaintiff’s Motion for Reconsideration, attached and filed herewith as Exhibit 1.

WHEREFORE, Defendants, Jennifer Williams, individually, and Jennifer Williams, d/b/a Williams Law respectfully request that this Court enter an Order granting this Motion *Instanter*, thereby allowing Plaintiff to file her Sur-Reply in Opposition to Plaintiff’s Motion for Reconsideration, attached and filed herewith as Exhibit 1.

Respectfully submitted,

ROBERTS PERRYMAN, P.C.

By:

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CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2022, the foregoing was electronically filed with the Clerk of the Court using CM/ECF electronic filing system which will send notification of such filing to the following and email to all counsel of record.

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